

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DANNY DYKES, INDIVIDUALLY AND
ON BEHALF OF THE ESTATE AND
WRONGFUL DEATH BENEFICIARIES
OF JAMES A. DYKES, DECEASED**

PLAINTIFF

V.

CIVIL ACTION NO. 4:15-cv-00076-DMB-JMV

**CLEVELAND NURSING & REHABILITATION
CENTER and JOHN AND JANE DOES I-X**

DEFENDANTS

AGREED ORDER

This medical negligence matter is before the Court on Defendant Cleveland Nursing & Rehabilitation Center, LLC's Motion to Exclude the Untimely and Deficient Expert Reports of Full Financials and Kathleen Hill-O'Neill [91]. In the Motions and Supporting Memoranda [92], Defendant seeks exclusion of an alleged staffing report from Full Financials and a supplemental staffing report authored by Plaintiff's nursing expert, Kathleen Hill-O'Neill, pursuant to Rule 37 of the Federal Rules of Civil Procedure. Plaintiff has informed the Court that he does not oppose the motion and will not be filing a response in opposition.

The Court, having considered the motion and applicable authorities, finds that Defendant's motions are well taken and due to be granted. It is therefore, ORDERED that the Full Financials report (Exhibit C to Defendant's Motion to Exclude [91]) and Kathleen Hill-O'Neill's February 2018 report (Exhibit D to Defendant's Motion to Exclude [91]) shall be excluded from the trial of

this matter. This Order does not address the Rule 702 issues raised in a separate motion filed by Defendant pending before the District Judge.

This the 29th day of March, 2018.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE

AGREED:

/s/ Paul Williams

R. Paul Williams, III
WILLIAMS NEWMAN WILLIAMS, PLLC
129B South President Street
Jackson, Mississippi 39201

John F. Hawkins
HAWKINS GIBSON, PLLC
628 North State Street
Jackson, Mississippi 39201

Jason M. Kirschberg
GADOW TYLER, PLLC
511 E. Pearl Street
Jackson, Mississippi 39201

David Norquist
DAVID NORQUIST LAW OFFICE, PLLC
301C West Sunflower Road
Cleveland, Mississippi 38732

Counsel for Plaintiff

/s/ Clay Gunn

Bradley W. Smith
Clay Gunn
Adria H. Jetton
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
Post Office Box 14167
Jackson, Mississippi 39236-4167

Counsel for Defendant